

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

_____)	
CENTURY 21 REAL ESTATE CORPORATION)	
)	
Plaintiff,)	
)	CIVIL ACTION NO. 04-10785DPW
v.)	
)	
DENNEHY, BARNES, VENTURES, INC.,)	
JOHN S. DENNEHY and THOMAS BARNES,)	
)	
Defendants.)	
_____)	

PERMANENT INJUNCTION ON CONSENT

WHEREAS, Plaintiff Century 21 Real Estate Corporation ("Century 21") has alleged that John S. Dennehy has, without authorization or license, utilized Century 21's trademarks, service marks and logos ("CENTURY 21 Marks") in violation of the Lanham Act, 15 U.S.C. § 1051 et seq.;

WHEREAS, Mr. Dennehy does not contest the validity of the Century 21 Marks or Century 21's ownership of the Century 21 Marks;

WHEREAS, Mr. Dennehy denies that he has, without authorization or license, utilized the Century 21 Marks, but consents to the entry of this Injunction;

NOW THEREFORE, this matter having been brought before the Court by Plaintiff Century 21 Real Estate Corporation ("Century 21") and the defendant John S. Dennehy, and the parties hereto have consented to the terms and conditions of the within Order and good cause having been shown;

IT IS on this _____ day of _____, 2004,

ORDERED that effective immediately, Mr. Dennehy, any entities that he owns at least 30% of the controlling interest in, their employees, agents, affiliates, subsidiaries, independent contractors, and all those who act in concert or participation with them, are hereby permanently enjoined and restrained from marketing, promoting, or offering real estate brokerage services at 477 Harvard Street, Brookline, Massachusetts or at any other location, such that the origin of the Enjoined Parties' goods or services are falsely designated as being those of Century 21, including, without limitation, the use of any and all print or telecommunications advertisements, Multiple Listing Service listings, drafts, labels, signs, flyers, billboards, stationery, envelopes, applications, booklets, brochures, catalogues, manuals, clothing, circulars, pamphlets, periodicals, bulletins, instructions, minutes, other communications, purchase orders, contracts, agreements, options to purchase, deeds, memoranda of agreements, assignments, licenses, books of account, orders, accounts, working papers, and plans that employ or relate, in any manner, to Century 21's trade names, service marks and trademarks.

HON. DOUGLAS P. WOODLOCK, U.S.D.J.

We hereby consent to the form and entry of the within Order:

<p>CENTURY 21 REAL ESTATE CORPORATION</p> <p>By its attorney,</p> <p><u>/s/ G. Rubenstein</u></p> <p>Arthur L. Pressman (BBO #643094) Gregg A. Rubenstein (BBO #639680) NIXON PEABODY LLP 100 Summer Street Boston, Massachusetts 02110 (617) 345-1000</p>	<p>JOHN S. DENNEHY</p> <p>By his attorney,</p> <p><u>/s/ J. Friedmann</u></p> <p>Jonathan D. Friedmann Rudolph Friedmann, LLP 92 State Street Boston, MA 02109 (617) 723-7700</p>
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